



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-25693-2025

Date of Decision : **20.11.2025**

SIMRANJIT KAUR DHALIWAL

.....Petitioner

VERSUS

STATE TRANSPORT APPELLATE TRIBUNAL AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Arihant Goyal, Advocate,
for the petitioner.

Mr. T.P.S. Walia, AAG, Punjab
for respondents no.1 to 3.

Mr. Lekh Raj Sharma, Advocate, assisted by
Mr. Abhishek Sharma, and Ms. Shagun, Advocate,
for respondent no.4.

KULDEEP TIWARI, J.(Oral)

1. Through the instant writ petition filed under Article 226/227 of the Constitution of India, a challenge is thrown to the administrative order dated 27.12.2021 (Annexure P-3), vide which the application of the petitioner for grant of permit has been rejected by the Secretary, Regional Transport Authority, Bathinda (respondent no.3), as well as the order dated 15.05.2025 (Annexure P-4), passed by the State Transport Appellate Tribunal (respondent no.1), whereby, the appeal against the order dated 27.12.2021, has been dismissed.

2. This Court vide order dated 03.11.2025, had passed the hereinafter extracted order:-

“Through the instant writ petition filed under Article 226/227 of the Constitution of India, a challenge is thrown to the order dated 27.12.2021 (Annexure P-3), wherethrough, the application of the petitioner for grant of permit has been rejected by respondent no.3, and also the order dated 15.05.2025 (Annexure P-4), purported to be passed by respondent no.1, *inter alia*, on the ground that the order dated 27.12.2021 has been passed by the authority, which is not competent to exercise the powers bestowed under the provisions of Section 68 of the Motor Vehicles Act, 1988.

Learned counsel for the petitioner submits that the impugned order 27.12.2021 (Annexure P-3), has been passed by a member of the Regional Transport Authority, Bathinda (respondent no.3), whereas, there is no such reference in the said order that the post of Chairman was lying vacant or he was absent on the date when the said order was passed. Therefore, the impugned order is hit by the principle of *coram non judice*.

Notice of motion.

Notice re.:stay as well.

Mr. Sahil R. Bakshi, AAG, Punjab, accepts notice on behalf of respondents no.1 to 3, and waives service.

He seeks time to file a response to the instant petition.

Adjourned to 20.11.2025.

In the meanwhile, let notice upon respondent no.4, be issued, on furnishing the requisite process fee by the petitioner, within a period of 04 working days.

Reply, if any, be filed on behalf of respondents no.1 to 3, on or before the next date of hearing, with a copy in advance to learned counsel opposite.

To be shown in the urgent list.

It is made clear that no further request for an adjournment shall be entertained on the next date of hearing, on behalf of either of the parties.”

3. In pursuance to the aforesaid order, a short reply dated 20.11.2025, by way of an affidavit of Sh.Gagandeep Singh, PCS, Secretary, Regional Transport Authority, Bathinda, has been filed today in Court on behalf of respondents no.2 and 3, with a copy thereof supplied to learned counsel opposite. The same is taken on record.

4. The Paragraph 4 of the above affidavit voices that the competent authority has reviewed the entire matter and has now decided to reconsider the case and hear it afresh, including the application of the present petitioner for the grant of stage carriage permits on the route in question. The matter shall be reconsidered within a period of four weeks by the competent authority, namely, the State Transport Commissioner, Punjab (respondent No. 2).

5. In view of the above, the impugned orders (*supra*), are hereby **set aside**, and the matter is **remanded** to the State Transport Commissioner, Punjab, for its adjudication afresh, as per the affidavit (*supra*).

6. The State Transport Commissioner, Punjab, shall within a period of four weeks, as undertaken before this Court vide affidavit (*supra*), decide the issue in dispute, after giving due opportunities of hearing to all the parties concerned.

7. Respondent no.4 is at liberty to make an apt application for granting of permission before the authorities concerned to operate her buses as per the permit granted to her, until the date of final decision is taken by the State Transport Commissioner, Punjab.

8. **Disposed of** accordingly.

November 20, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No